

REMARKS

Applicants have carefully reviewed the Application in light of the Office Action dated August 6, 2008 ("*Office Action*"). At the time of the *Office Action*, Claims 1-32 were pending and rejected in the Application. Applicants amend Claims 21-30, without prejudice or disclaimer. The amendments to these claims are not the result of any cited reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have been made to advance prosecution in this case. Applicants respectfully request reconsideration and allowance of the pending claims.

Summary of the Examiner Interview

Applicant's attorney, Ms. Christa Brown-Sanford (Reg. No. 58,503), conducted a telephone interview with Examiner Khai Nguyen and a supervisory examiner on October 30, 2008. Applicants thank the Examiners for the courtesy and opportunity to conduct the telephone interview. Applicants submit this summary of the telephone interview to record Applicant's understanding of the substance of the interview and to comply with M.P.E.P. § 713.04.

During the interview, the Examiners and Applicant's attorney discussed the rejection of Claims 21-30 under 35 U.S.C. § 112, first paragraph and 35 U.S.C. § 101. The Examiners and Applicant's attorney also discussed claim amendments to advance prosecution of the case.

Section 112 Rejections

The Examiner rejects Claims 21-30 under 35 U.S.C. § 112, first paragraph. *Office Action*, p. 2. While Applicants do not necessarily acquiesce to the Examiner's rejection, Applicants amend Claims 21-30 to advance prosecution of the Application. Applicants respectfully request reconsideration and allowance of Claims 21-30.

Section 101 Rejections

The Examiner rejects Claims 21-30 under 35 U.S.C. § 101. *Office Action*, p. 3. While Applicants do not necessarily acquiesce to the Examiner's characterization of Claims 21-30 or the Examiner's rejections, Applicants amend Claims 21-30 to advance prosecution of the Application. Applicants respectfully request reconsideration and allowance of Claims 21-30.

Section 102 Rejections

The Examiner rejects Claims 1-2, 4-6, 8, 11-12, 14-16, 18, and 32 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0113077 issued to Bushnell et al. ("*Bushnell*"). Applicants respectfully traverse these rejections.

For example, *Bushnell* fails to disclose, teach, or suggest:

accessing data indicating a current status of each of one or more users in a call pickup group (CPG) with respect to an incoming phone call to a phone number corresponding to the CPG; and

communicating the status of each of the users in the CPG to one or more endpoints of one or more users in the CPG for display to the users in the CPG, displaying the data to a first user in the CPG for the first user to determine a current status of each of one or more second users in the CPG to facilitate a decision by the first user regarding whether to pick up the incoming phone call . . .[.]

as recited in Applicant's Claim 11. Instead, *Bushnell* discloses that "the Private Branch Exchange . . . obtain[s] **user** location data from the Presence Server 109[]" (§ 0042, ll. 4-7), where the user is the called party (*see* § 0041, ll. 8-9) (emphasis added). Obtaining the location data for the called party does not disclose "accessing data indicating a current status of **each** of one or more users **in a call pickup group**," as recited in the claims (emphasis added). Furthermore, *Bushnell* discloses that "the Presence Server 109 returns location data at step 305 **to the Private Branch Exchange 104**" and "the Presence Server 109 can optionally at step 306 return data **to the Private Branch Exchange 104** that indicates the present operational status of the user." § 0042, ll. 10-17. In Claim 11, the status of each of the users in the call pickup group is communicated "**to one or more endpoints** of one or more users in the [call pickup group] **for display to users** in the [call pickup group]" (emphasis added). Contrary to Applicant's claims, the members of the call pick up group as

disclosed in *Bushnell* only receive an alert. See ¶0043, ll. 1-3; *id.* at ll. 5-8; *id.* at ll. 9-13. Because *Bushnell* fails to disclose each and every limitation of Applicant's Claim 11, Applicants respectfully request reconsideration and allowance of Claim 11 and its dependent claims.

Independent Claims 1, 21, 31, and 32 each recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 11, *Bushnell* does not disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of Claims 1, 21, 31, and 32 together with their dependent claims.

Section 103 Rejections

The Examiner rejects Claims 7, 9-10, 17, and 19-31 under 35 U.S.C. § 103(a) as being unpatentable over *Bushnell* in view of U.S. Patent Application Publication No. 2004/0086102 issued to McMurry et al. (hereinafter "*McMurry*"). The Examiner rejects Claims 3 and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Bushnell* in view of U.S. Patent No. 5,371,781 issued to Ardon ("*Ardon*"). Applicants respectfully traverse these rejections.

Claims 7 and 9-10 (which depend from Claim 1) and Claims 17 and 19-20 (which depend from Claim 11) incorporate the limitations of their independent claims and also recite additional limitations that are not disclosed, taught, or suggested in *Bushnell*. The Examiner's reliance on *McMurry* does not account for the deficiencies of *Bushnell*, and the Examiner does not make any assertions to the contrary. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 7, 9-10, 17, and 19-20.

Regarding Claims 21 and 31, Applicants have shown above that *Bushnell* fails to disclose each and every limitation of the independent claims. The Examiner's reliance on *McMurry* does not account for the deficiencies of *Bushnell*, and the Examiner does not make any assertions to the contrary. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 21 and 31 along with their dependent claims.

Claim 3 (which depends from Claim 1) and Claim 13 (which depends from Claim 11) incorporate the limitations of their independent claims and also recite additional limitations

that are not disclosed, taught, or suggested in *Bushnell*. The Examiner's reliance on *Ardon* does not account for the deficiencies of *Bushnell*, and the Examiner does not make any assertions to the contrary. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 3 and 13.

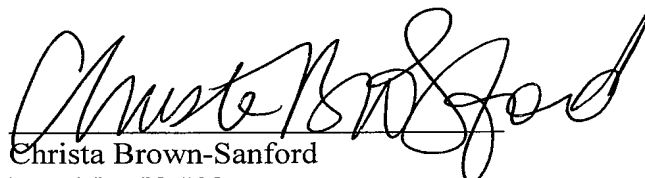
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of the pending claims.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact Christa Brown-Sanford at (214) 953-6824.

Although no fees are believed to be due, the Commissioner is hereby authorized to charge any fees or credits to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,
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